

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

DOUGLAS COX,

Plaintiff,

v.

CENTRAL INTELLIGENCE

AGENCY, et al.,

Defendants.

Civil Action No. 17-cv-01337

(Chen, J.)

(Gold, M.J.)

JOINT STATUS REPORT

1. Plaintiff Douglas Cox (“Plaintiff”) and Defendants Central Intelligence Agency (“CIA”) and the National Archives and Records Administration (“NARA”) (collectively, “Defendants”) respectfully submit this joint status report. This action arises under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and involves FOIA requests seeking, among other things, records pertaining to the CIA’s purported destruction of interrogation tapes and its copy of the Senate Select Committee on Intelligence’s Study on CIA Detention and Interrogation Programs. *See* Compl. (Dkt. No. 1) ¶¶ 6–24. Pursuant to the Court’s November 9, 2017 order, the Parties submit this joint status report to propose next steps in this litigation.

2. As the Parties agreed, Defendants prioritized the search for and processing of materials responsive to CIA FOIA Request No. 1 and Request No. 2, Subpart (1). Pursuant to the Parties’ agreement, the CIA made an interim release on October 27, 2017, of those responsive, non-exempt materials that had been processed to date. The CIA also made its final release of all remaining responsive, non-exempt information on December 11, 2017.

3. The Parties concur that the only remaining aspect of Plaintiff's FOIA requests that still requires a response by Defendants involves the materials released to Plaintiff in response to NARA FOIA request #1 that were the subject of Plaintiff's administrative appeal. Plaintiff previously agreed to de-prioritize this part of the case in favor of the CIA processing the materials responsive to Plaintiff's other FOIA requests. *See* Status Report, Dkt. No. 13, ¶¶ 2–3.

4. Defendants have agreed to re-review the materials that were the subject of Plaintiff's administrative appeal, which consists of approximately 1,800 pages. The CIA estimates that it will require three months to complete its re-review of these materials.

5. Accordingly, the Parties respectfully propose that Defendants complete their re-review of these materials and release any responsive, non-exempt information by March 19, 2018. The Parties also propose that they file another joint status report by March 26, 2018, to address the next steps in this litigation. In the interim, the Parties plan to discuss ways to narrow or potentially eliminate the issues that will need to be addressed during summary judgment briefing.

6. The Parties are available, at the Court's convenience, to participate in a conference call the week of January 2, 2018, although they do not see a need for such a call at this time.

//

//

//

//

//

//

Dated: December 18, 2017

/s/ Douglas Cox

Douglas Cox
City University of New York School of Law
Two Court Square
Long Island City, NY 11101
Tel: (718) 340-4241
Email: douglas.cox@law.cuny.edu

Plaintiff

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General

BRIDGET M. ROHDE
Acting United States Attorney

ELIZABETH J. SHAPIRO
Deputy Branch Director

/s/ Stephen M. Elliott

STEPHEN M. ELLIOTT
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, N.W., Rm. 7318
Washington, D.C. 20530
Tel: (202) 305-8177
Email: stephen.elliott@usdoj.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2017, I electronically transmitted the foregoing to the clerk of court for the United States District Court for the Eastern District of New York using the CM/ECF filing system.

/s/ Stephen M. Elliott

STEPHEN M. ELLIOTT

Trial Attorney

United States Department of Justice

Civil Division, Federal Programs Branch

20 Massachusetts Avenue, N.W., Room 7318

Washington, D.C. 20530